IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 30650 of 2006(W)

PETITIONER:

MUHAMMED HANEEFA, AGED 74 YEARS,
S/O. MEERASAYA, ANZARI MANZIL,
KALLAMBALAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.R.MANOJ
SMT.SINDHU MANOJ

RESPONDENTS:
---

1. THE GENERAL MANAGER,
CORPORATION BANK, MANGALORE.

2. THE ASSISTANT MANAGER,
CORPORATION BANK, ZONAL OFFICE,
RAVIPURAM, KOCHI.

3. THE AUTHORIZED OFFICER,
CORPORATION BANK, KALLAMBALAM.

BY ADV. SRI.P.JACOB VARGHESE,SC, CORPN. BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 30650/2006

APPENDIX

PETIITONER'S EXHIBITS

EXT.P1 COPY OF THE NOTICE OF POSSESSION ISSUED BY THE RESPONDENTS DATED 05/04/2005.

EXT.P2 COPY OF THE JUDGMENT IN WP(C) NO. 13896/2005.

EXT.P3 COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C) NO. 10012/2006 DATED 07/04/2006.

EXT.P4 COPY OF THE ORDER OF THE DEBTS RECOVERY TRIBUNAL IN S.A. NO. 28/2005.

EXT.P5 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 01/11/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, JUDGE

WP(C) No. 30650 of 2006

Dated this the 5th day of January, 2007

J U D G M E N T

The prayer in this writ petition is for a direction to the Bank to consider the request of the petitioner for OTS benefit. The learned counsel for the petitioner submits that the respondent bank has refused to consider his application for OTS benefit, since the Debt Recovery Tribunal upheld the recovery notice issued by them. In any case the petitioner has paid Rs. 20 lakhs out of Rs. 27 lakhs and the balance is only Rs. 7 lakhs with interest. In the circumstances, the writ petition is disposed of granting another two months' time to the petitioner to settle the balance liability, failing which the bank can initiate proceedings for recovery. However, if the petitioner makes payment and settles the liability before 31st of this month, there will be a direction to the bank to waive penal interest on the balance loan amount.

C.N.RAMACHANDRAN NAIR, JUDGE.

jg